

The Future of Charter Schools in Tennessee
TSBA Summer Law 2011

The Pre-Test

1. A charter school application is received by the LEA. This means:
 - a. Some foreigner (i.e., non-Tennessean) thinks the school district isn't trying hard enough to educate students.
 - b. Some aspiring author couldn't get her 800 page novel published, so she wrote an 800 page charter school application instead (and thought it would be fun to spend \$10,000 printing 20 copies to drop on the superintendent's desk).
 - c. Members of the community want to help the local board of education meet its statutory mandates to help all students in the community leave school ready for post-secondary success in further education, work and citizenship.
 - d. Heck if I know, I'm too busy responding to information requests from the ACLU!
2. State and local education funds, distributed according to the BEP formula, belong to:
 - a. The commissioner, who can keep all of them if our LEA spends them in violation of the law (e.g., to pay the salary of a new UT football coach, basketball coach, athletic director, . . .). T.C.A. § 49-3-353.
 - b. The director of schools, who prepares an annual budget for board approval and adoption by the local legislative body (which always does so quickly and painlessly). T.C.A. § 49-2-301(b)(1)(W).
 - c. The local board of education, whose duty it is to "manage and control all public schools established . . . under its jurisdiction." T.C.A. § 49-2-203(a)(2).
 - d. Students who are constitutionally entitled to a free public education, Art. XI, § 12, and who "earn state education funds in the student's home school system," T.C.A. § 49-6-3402.
3. Today, there are no charter schools
 - a. That you can see from your back porch.
 - b. Within 50 miles of your school district.
 - c. Within 250 miles of your school district.
4. True or False: Any application for a public charter school we turn down will be overturned by the State Board of Education.
5. True or False: To be approved, charter schools have to offer a program or methods of teaching not already offered in the district.
6. Write down the first adjective that comes to mind when you think of:
 - a. The achievement school district.
 - b. Teach for America.
 - c. Houghton Mifflin.
 - d. *Waiting for Superman*.

Some Frequently Asked Questions

1. What are public charter schools?

Charter schools are public schools operated by independent, non-profit governing bodies that must include parents. In Tennessee, public charter school students are measured against the same academic standards as students in other public schools. Local boards of education ensure that only those charter schools open and remain open that are meeting the needs of their students, district and community. Local boards do this through rigorous authorization processes, ongoing monitoring of the academic and financial performance of charter schools, and, when necessary, through the revocation or non-renewal of charters. In exchange for the opportunity to meet these standards, charter school operators may be granted waivers from some State laws and rules (for example, many Tennessee charter schools have longer school hours and school years).

2. Must charter schools follow all the same laws, rules and regulations as other non-chartered public schools?

No. Although there are certain regulations and laws that charter schools must follow, such as licensing of teachers, open meetings and public records, civil rights, health and safety standards, public records, immunizations, open meetings, etc. (see Tenn. Code Ann. § 49-13-105 and 111), the sponsor of a proposed charter school may apply either to the local board of education or the commissioner of education for a waiver of any state board rule or statute that inhibits or hinders the proposed charter school's ability to meet its goals or comply with its mission statement.

3. Which students are eligible to attend Tennessee charter schools?

All students residing within the jurisdiction of the authorizing LEA may attend a public charter school. Also, an LEA may authorize charters to enroll students residing outside the LEA in which the public charter school is located pursuant to the LEA out-of-district enrollment policy.

For those charters authorized by the Achievement School District, all students within the LEA who are zoned to attend or enrolled in a school that is eligible to be placed in the achievement school district.

Charter schools must enroll all students if they submit a timely application and if space permits. Subject to T.C.A. § 49-13-113, if the number of applicants exceeds the capacity of the school, then preference must be given to students in the following order:

- i. Pupils in attendance in the previous school year at any public school that converts to a charter school;

- ii. Pupils attending public schools within the school district in which the charter school is located, if those pupils would otherwise be included in the area in which the public charter school will focus;
 - iii. Children residing within the school district but who are not enrolled in public schools;
 - iv. Children residing outside the school district whose needs are included in the area in which the charter school will focus.
4. May charter schools deny enrollment to students based on eligibility for special education services?

No. Charter schools may not refuse to enroll students because of their eligibility for special education services. Though charter schools may not presently have the infrastructure or personnel to meet the needs of special education students identified in the students' individualized education programs (IEPs), charter schools are responsible for ensuring their students receive those services.

Because Tennessee charter schools are considered part of the LEA (except for ASD chartered schools), the LEA must treat the chartered schools just as any other school in the district in the provision of and monitoring of special education services.

In some cases, the charter school may contract with the local board of education to provide the services through a separate fee for services contract to ensure funding is directed to the entity providing the services.

Primers developed by a team of LEA special education directors, State Department and Board of Education staff and national special education experts developed primers for charter school sponsors, authorizers and operators relative to the provision of special education services.

These are available on the Department of Education's website:

http://www.tennessee.gov/education/fedprog/Charter_Sch_SpecEd.shtml.

5. How are charter schools different from non-chartered schools in my district?

Charter schools, by law, have a different governance structure, but their formation alone does not distinguish them. Differences and similarities vary based on the individual charter school and the public schools located within the same community. As authorizers of public charter schools, the local board of education can determine what kinds of charter schools are authorized.

The purposes of the Public Charter Schools Act, including providing “options relative to the governance and improvement of high priority schools, the delivery of instruction for those students with special needs, improv[ing] learning for all students and clos[ing] the achievement gap[s],” can be accomplished in any LEA school. However, chartered schools “provide [one] alternative means within the public school system for ensuring accomplishment of the necessary outcomes of education by allowing the establishment and maintenance of public charter schools that operate within a school district structure but are allowed maximum flexibility to achieve their goals.”

Charter schools should serve as centers of reform and innovation from which educators, parents and community members can learn successful methods that could ultimately be replicated by other public schools within the district. In this way, charter schools can benefit not only the students they serve but also the students attending non-chartered schools.

6. What procedure should the local board of education use to review charter school applications?

While the law gives broad authority to the local board to approve or deny applications, each board should have a procedure in place for receiving, reviewing and ruling on applications for charter schools. The procedure should include a clear timeline for the application and review process and the means for reviewing and evaluating each application. The National Association of Charter School Authorizers provides extensive guidance on quality authorizing practices on their website: <http://www.qualitycharters.org/>. Some Tennessee LEAs have joined NACSA, attended NACSA conferences, and/or invited NACSA to review their authorizer practices, in order to further develop their capacity as authorizers.

Many boards will find it helpful, if not necessary, to appoint a review team to assist in reviewing and evaluating charter school applications. Such teams could consist of members of the school system’s administration and/or one or more board members as well as members of the community. The review team would make recommendations to the board relative to the charter school application.

In any event, each board should designate an individual in the central office to serve as a contact person for all charter school questions and issues.

Many of these FAQs are adapted from those provided by TSBA on its website: [http://tsba.net/Links Resources/Charter Schools](http://tsba.net/Links/Resources/Charter_Schools).

National Association of Charter School Authorizers

www.qualitycharters.org

NACSA is a nonprofit membership organization committed to developing and maintaining high standards for charter school authorizing. Our members are some of the largest charter school authorizers in the country and oversee more than half of the nation's 5,000 charter schools.

NACSA is building a community of charter school industry leaders dedicated to improving public education through the creation of high-quality charter schools. These leaders share their experiences, lessons learned and challenges with one another to build the base of knowledge and practical tools that empower quality authorizing. Upon joining NACSA, authorizer member organizations pledge to uphold NACSA's [*Principles & Standards for Quality Charter School Authorizing*](#), and to promote quality authorizing.

NACSA strengthens the quality of charter schools by providing access to professional development and networking opportunities, advocacy, publications, and other resources, including:

- Sophisticated, practice-oriented webinars on topics such as performance contracts, board governance, and the federal initiatives.
- [*Authorizing Matters*](#) Issue Briefs, NACSA's quarterly publication on practice-oriented issues of importance to authorizers, including performance contracting, ongoing oversight and evaluation, and renewal decision making.
- [*Policy Guides*](#), NACSA's publications on issues of importance to quality authorizing, including federal and state policy options.
- [*Member Notes*](#), NACSA's monthly e-newsletter that covers news, industry trends, and current research.
- [*The Fund for Authorizing Excellence*](#), through the Fund, NACSA members can apply for planning grants that lead to support for implementing new strategies and programs.

Most importantly, NACSA provides a national forum for authorizers to share best practices in order to strengthen the field and their own organizations. In fact, NACSA's member services are so valuable that hundreds of individuals and organizations that are not authorizers have become members just to have access to the NACSA community and resources.

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Homework: The Post-Test

1. To better understand what charter schools are, I am going to:

2. To help my local board determine how to respond to charter school applications, I will:

3. To increase our board's capacity as a charter school authorizer, we could:

4. Chartered schools present our district with an opportunity to:

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<http://www.tennessee.gov/education/fedprog/fpcharterschls.shtml>

<http://twitter.com/TNDOECharters>

<http://www.facebook.com/pages/Tennessee-Department-of-Education-Office-of-Charter-Schools/117064998377803> (Like us, and this URL will shorten!)

A collaboration to transform education in Nashville, TN

“Charter schools are public schools, and the service they provide should be celebrated as completely as any other school in the MNPS system.... [T]hese recommendations are submitted to the Metro Nashville School Board as a working document that may serve as a template for increased collaboration, renewed commitment to ensuring an excellent school for every child in Nashville, and a shared sense of dedication to our city and its students and families.”

-Choosing Our Future, MNPS, Charter School Working Group Report, February 24, 2009

Recognizing that high performing schools prepare all students for college and career by providing every student highly effective instruction in every classroom, every year, a safe learning environment and a focus on the whole child that supports student achievement and engagement, and

Recognizing that public charter schools are public schools sharing deeply and directly in this mission, and

Whereas, high performing schools are not identified by any specific governance structure, and

Whereas, we desire every public school in Nashville to be a high performing school,

Collaboratively undertaking to build a system of high performing public schools throughout the county, we, the undersigned, pledge:

- To rely on, cultivate, develop, and support highly effective school leaders and teaching professionals
- To disseminate and implement at scale schools that are student-centered, pursuing innovation and actively sharing demonstrated best practices
- To empower parents by offering meaningful choices for students and developing creative ways to engage families in the design and success of their school.
- To collaborate as partners in the city-wide effort to provide an excellent education for all students and, as partners, work to share best practices between classrooms, schools, and leaders

High performing schools rely on, cultivate, develop, and support highly effective school leaders and teaching professionals

Joint Commitments:

Deepen and extend joint engagements that promote efforts to enlarge and enrich the pool of prospective educators and school leaders from both traditional and non-traditional sources.

Create a team of highly effective instructors from both charter schools and other public schools to take part in formal and engaging exchange programs to become the most informed collaborators in the district, taking a leading role in planning and directing an annual Shared Practices Summit.

Charter Commitments:

Provide information within annual reports detailing teacher recruiting, evaluation, and support practices for the purposes of collaborative district-charter learning and continuous improvement.

Continue innovative partnerships to recruit, cultivate, and retain highly effective teachers and school leaders.

District Commitments:

Allow public charter schools access to MNPS staff openings web-site and invite charters to have booths at teacher recruiting events.

Continue to provide leaves of absence for teaching professionals who choose to work in an MNPS public charter school for up to three years.

Continue to offer access to District professional development as widely as practicable for public charter school teachers, leaders, and other personnel, including but not limited to on-line resources such as MNPS Tube.

High performing schools are student-centered, pursuing innovation and actively sharing demonstrated best practices to support their dissemination and implementation at scale

Joint Commitments:

Organize, plan and hold an annual Shared Practices Summit that brings together all high performing public schools in Nashville for sharing and training on specific topics such as support for underserved youth, differentiation, student engagement, leadership development, etc. to advance practical solutions and strategies for addressing common challenges among educational leaders and teaching professionals, culminating in a public event celebrating innovation and best practices regardless of their source within Nashville's public schools.

Charter Commitments:

Serve the same cross-section of students in the city as the other public schools by actively recruiting, serving, and retaining comparable percentages of students as other district schools as allowed under state law in the following categories:

- a. Students with exceptional educational needs
- b. Students who are English Language Learners
- c. Students in other underserved or at-risk populations

Admit and serve all eligible students without regard to academic levels or ability by utilizing the unified admission lottery program and optional school assignment database.

MNPS District – Charter Collaboration Compact

Consult with the district to identify opportunities to add needed capacity or meet identified high priority needs.

Ensure transparency and publicly accessible reporting of student demographic, achievement, and mobility data, discipline, exceptional education, English language learners.

Actively share demonstrated best practices with all public charter schools to scale up what works and build capacity of public schools where appropriate, documenting and recording experiences through specific case studies of innovative reform strategies specific to a charter school (instructional, leadership, operational and management) that have the potential to make a more systemic impact on district strategies and by Sharing best practices within the schools' annual reports as well as each Shared Practices Summit including areas where collaboration with other District or charter schools occurred.

Develop and publicly disseminate professional development opportunities that can be accessed by all District (charter and non) personnel.

Commit to publicly developing and sharing resources such as, data templates, student tracking systems, lesson plan templates, long-term planning documents, etc.

District Commitments:

Include charter schools in the long-term strategic plans of the district including, but not limited to, student assignment planning and facility usage.

Extend quality offerings to larger numbers of students by encouraging the most effective schools expand and replicate, whether those schools are high performing charter schools or other high performing district schools.

Identify and actively share demonstrated best practices with other public schools, and support efforts to introduce and scale such practices as appropriate. Create formal venues and a process of exchange between and among a set of these public schools.

Continue to provide technical support, appropriate services, and available resources from central office departments to assist public charter schools in fulfilling their responsibilities to students with exceptional educational needs, English language learners, and students in other underserved or at-risk populations, whether delivered in the pre-opening period, as part of a regular annual cycle of technical support sessions, or provided on an ad hoc or "just in time" basis.

Continue to make available on a voluntary basis the benefits of school district economy of scale (purchasing contracts, etc.) in order to increase public charter school efficiency and effectiveness with students, including access to Chancery SMS, Gradespeed, the teacher recruitment database, surplus material for sale, and employee benefits.

Maintain a Charter School Office with a service provider function and, when possible, point persons in each Department or Office that interact with and serve public charter schools by continuing

to identify and address practices that hinder the success of individual public charter schools or that thwart their expansion or replication.

Hold monthly charter school principal meetings with district personnel in specific areas of the organization to discuss and resolve issues of coordination, compliance, and best practice as they relate to the role of public charter schools in the district's operations.

Undertake its responsibility for oversight in a way that protects the public investment in public charter schools, transparently communicates expectations for each school, and preserves the autonomy of each school while honoring state charter school laws, including assuring openness to all eligible students.

High performing schools empower parents by offering meaningful choices for students and developing creative ways to engage families in the design and success of their school

Joint Commitments:

Collaboratively establish a common high performing school indicator that provides a clear, credible, and intelligible measure, includes multiple variables, weights student growth highly, and strives for clarity of communication to all relevant stakeholders that can be used to improve communication and parent-friendly information regarding all public schools in Nashville.

Create an intra-district joint communication and marketing plan informing parents of the wide array of public school choices including charters, magnets, schools of zone, specialty schools, high school academies, and other public schools, intentionally sharing the message that the district is expanding and improving options for students and families in the effort to create as many high performing models as possible and helping families navigate the choices simply and effectively.

Hold joint parent nights including, Parent University, choice information sessions, and Family Resource Meetings.

Charter Commitments:

Remove barriers for all eligible students to attend public charter schools by offering information regarding school enrollment and pertinent data in all languages and forms (i.e. no barriers to entry)

Track and disseminate through the schools' annual reports, parent engagement practices including, but not limited to, parent hours, volunteer opportunities, surveys, and parent support as a vehicle to share best practices regarding parent engagement strategies with other schools.

District Commitments:

Develop long-term strategic plan for new schools to meet district needs and work with existing and future charter operators to meet those needs.

MNPS District – Charter Collaboration Compact

Continue to provide information about public charter schools on the district website, through the Charter Connections Newsletter, and in messages home informing families of the charter school application process and timeline.

Continue to include charter school parent representatives in cluster and district-wide Parents Advisory Council activities and meetings.

Continue to support parents in all public schools through programs like Parent University and personnel like the Family Liaisons, Cluster Support Teams, and Interpreter or Translation services.

High performing schools collaborate as partners in the county-wide effort to provide an excellent education for all students and, as partners, work to share best practices between classrooms, schools, and leaders

Joint Commitments:

Convene an annual policy forum no later than the end of each calendar year to conduct collaborative discussions regarding legislation of mutual interest to high performing schools regardless of governance to facilitate information sharing and deeper understanding of various legislative priorities whether or not areas of agreement are possible.

Extend the charter-compact advisory group process into an annual meeting to maintain the dialogue, continue the spirit of the compact and focus on specific issues of mutual concern and joint opportunities, and consider revisions and updates that will ensure the collaboration remains relevant, timely, and effective.

Continue to assess and revise language and practices that reinforce notions of “us and them” between charters and other district schools.

Charter Commitments:

Respond to parent demand and work with the district to locate schools in the highest need areas and striving to add capacity in the public education system by serving hard to educate or at-risk populations in alignment with District goals and connected to District feeder patterns

Continue to pursue grant funding in collaboration with the District where such opportunities are mutually beneficial.

District Commitments:

Continue to ensure complete transparency regarding calculation and distribution of 100% of the per pupil share of all eligible district expenditures including facility allocations administered by the State Department of Education according to the Tennessee Charter Law and devote one annual Charter School Principals’ meeting to ensuring full understanding and open discussion regarding financial and budgetary interactions between charters and the district that promote misunderstandings whether real or perceived.

MNPS District – Charter Collaboration Compact

Continue to ensure equitable participation for public charter schools in all federally funded District initiatives.

Maintain annual identification of surplus facilities available for charter school use according to the District’s facility disposition policy that give high performing charter operators first right of refusal for access to those facilities.

Continue to pursue grant funding in collaboration with charter schools where such opportunities are mutually beneficial.

Continue to provide full access to student data in the data warehouse, student management system, TVAAS database, electronic mail system, and other data and information related to the students served in public charter schools.

Continue to ensure full participation in district-wide interscholastic leagues and other extracurricular competitions.

Whereas, regular and honest communication is the central feature of all productive collaborations, and

Whereas, the open and honest sharing of information fosters understanding and trust, and

Whereas, the educational needs of students require responsive and effective systems to ensure that every student graduates college and career ready no matter what economic changes lie over the horizon, and

The parties further commit to:

Convene regular meetings of the Compact signatories, to monitor and validate district and charter performance in executing the Compact commitments, and publish annual reports regarding progress and challenges in implementation.

_____	<u>Director of Schools, Nashville</u>	_____
Name	Title	Date
_____	<u>MNPS Board of Public Education</u>	_____
Name	Title	Date
_____	<u>Mayor of Nashville</u>	_____
Name	Title	Date